22.12.98

17.4.99

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 1736 OF 2004

PETITIONER : SANJAY YADAV, S/O. LATE VISHNU PRASAD YADAV, AGED ABOUT 29 YEARS, R/O. BEHIND OF RAJARAM MANDIR, NEAR ARPA RIVER, GONDPARA, BILASPUR (C.G.)

V E R S U S

RESPONDENTS :

1. STATE OF CHHATTISGARH THROUGH: THE SECRETARY, ENERGY DEPARTMENT, D.K.S. BHAWAN RAIPUR, (C.G.)

2. CHHATTISGARH STATE ELECTRICITY BOARD, THROUGH: THE SECRETARY DANGANIYA, RAIPUR (C.G.).

3. MADHYA PRADESH ELECTRICITY BOARD, THROUGH: THE SECRETARY, SHAKTI BHAWAN JABALPUR, (M.P.).

Attested
12/4/06
P.R. No. 1736 Presented by Shri Ramesh Bansal
dated 24.6.06
AR(S)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

TO,

P

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Attested

AR(J)

Respondent No.3 — Madhya Pradesh State Electricity Board, Through the Secretary, Shakti Bhawan Jabalpur M.P.".

"Respondent no.4. — Union of India, Through the Secretary Ministry of Personnel, Public Grievances and Pension (State Re-organization Cell), Third Floor Lok Nayak Bhawan, Khan Market New Delhi

Amended as per court order dtd. 29.3.06. DLC (Rakesh Pandey) 05.4.06. Advt.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP.1736/04 **सन् 200**

(164)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6-7-2006

Mr. Rakesh Pandey, counsel for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the State/respondent No.1.

Mr. A.S. Gaharwar, Advocate, with Mrs. Rita Halder, counsel for respondent No.2.

Mr. Vivek Verma, counsel for respondent No.3.

Mr. S.K. Beriwal, Central Govt. Counsel for respondent No.4.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has prayed that the respondents be directed to consider the case of the petitioner for compassionate appointment.

The case of the petitioner is that his father Late Vishnu Prasad Yadav was working as Lineman under respondent No.2, who died in harness on 22-12-1998. Copy of the death certificate is Annexure P-2. The petitioner herein applied for compassionate appointment on 17-4-1999, his application was registered as No.CE/BR/COW/WO/494 and the same was forwarded to the SE, Raipur at serial No.48. The petitioner approached the respondents and his application was pending at Raipur till 2001. He made representation on 23-2-2004, copy of the same is Annexure P-4. The case of the petitioner is not being considered on the ground that as per the policy dated 28-2-2004, CSEB is considering the cases of dependents of those employees who died on or after 15-11-2000, for compassionate appointment.

In the reply filed on behalf of the CSEB it has been mentioned that as per the policy dated 28-2-2004 only the dependents of those employees who died on or after 28-2-2004 are entitled for compassionate appointment.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

165

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have heard learned counsel for the parties.

It is admitted position that the petitioner's father died on 22-12-1998 while he was working as Lineman and the petitioner applied for compassionate appointment on 17-4-1999. Therefore, the case of the petitioner ought to have been considered in the light of the existing policy dated 30th January, 1997. The ground taken by CSEB is that it came into existence on 15-11-2000 after reorganisation of the State and that cut of date has been taken for consideration of compassionate appointment. But this stand of CSEB is not based on sound reasonings for the reason that in the meeting dated 20th March, 2003, representatives of both the States agreed before the Secretary (Power) that the division of employees of MPEB shall be on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective States and similarly employees belonging to such sub-State territorial cadres being allocated to the concerned State. As the petitioner's father was working in the territorial jurisdiction of the newly created CSEB, therefore, the above policy, even though CSEB was created on 15-11-2000, it is the responsibility of CSEB to consider the case of appointment of those employees who died prior to 15-11-2000 subject to their working and residence under the territorial jurisdiction of CSEB. The petitioner's case satisfies the above condition and the application of the petitioner is said to be pending at Raipur, as per the list signed by MPEB.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.1736/.. **सन्** 2004

(166)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	In the circumstances, the respondents are directed to consider the case of the petitioner for compassionate appointment in accordance with the policy of 1997, when the father of the petitioner died. With the direction aforesaid, the petition stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

11/2/16 19/7/16 29/7/16 30/10/12 11/7/12 10/9/14 27/10/14 5/12/14 8/1/15 13/2/15 9/3/15 11/5/15 11/8/15